

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**Latasha Holloway, *et al.*,**

**Plaintiffs,**

**v.**

**City of Virginia Beach, *et al.*,**

**Defendants**

**Civil Action No. 2:18-cv-0069**

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**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

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**PLAINTIFFS' EXHIBIT 28**

Email with News Articles re: Faith, Freedom & Justice March (DEF07750-07751)

spokeswoman said. There have also been more unannounced security checks. In Chesapeake, the City Council gave the school division \$2 million in late March to begin making security improvements right away. While that does not include funding for metal detectors, City Manager James Baker said nothing has been taken off the table. Virginia Beach researched metal detectors earlier in its budget process but concluded that it would cost more than \$1 million to install them in high schools and middle schools – which make up about one-third of the division's buildings. More money would be needed to provide training and adequate staff to handle the technology. It might also require changing start times, since at some schools more than 2,000 students who would need to get checked. In addition, Virginia's House of Delegates created a committee on school safety to explore ideas that will guide bills in the 2019 General Assembly.

[Read more.](#)

## Column and Letter to the Editor

### Column: "5 Percenters" text puts Virginia Beach leadership 100 percent under scrutiny about race

*The Virginian-Pilot* – April 4, 2018

Say this for the top officials in Virginia Beach: When 300 people gather at the Oceanfront, by golly, they make sure the surveillance and safety are top-notch. Right down to the Five Percenters. **City Manager Dave Hansen** and **Deputy City Manager Ron Williams** must be feeling some heat, following the release of text messages they exchanged during the Faith, Freedom and Justice March last year. The Pilot's Alissa Skelton wrote Wednesday about the comments and how they sparked complaints from Bruce Smith, the local businessman and retired NFL star, and others. Smith's very public campaign for a disparity study of minority contracts in Virginia Beach led to the February 2017 march along Atlantic Avenue. He had to raise a stink to get the **Beach City Council**, including **Mayor Will Sessoms**, to do the right thing and approve the study. (Denver-based BBC Research & Consulting should complete it by late summer.)

Now, I have no problem with Hansen setting up shop in the Second Precinct police station to watch the event live on city surveillance cameras. That's his right, perhaps even his duty. Organizers had estimated 1,000 people could come to the rally and march, though only 300 showed up. Hansen told me Wednesday he's also been in the station for events including the Fourth of July, College Beach Weekend and the Neptune Festival. It's what he often does. The 2017 faith march drew blacks, but also whites and Latinos. The Virginia Beach Interdenominational Ministers Conference, composed of Christian faith leaders, organized the event. Last year's text by Williams, though, is indefensible, no matter what he and Hansen contend. According to The Pilot story, when Hansen asked for an early crowd estimate, Williams texted back, "75-100 max" and "Mostly 5 Percenters." Now, you could've answered a lot of ways. "Not many protesters," for example, or "Peaceful assembly." Even, "Lots of causes represented." Williams, though, stepped in it.

The Five Percenters are a little-known offshoot of the Nation of Islam that formed in Harlem in the mid-1960s. Adherents believe only 5 percent of the world's population know the truth about God and should enlighten others. Spiritually, folks believe whatever speaks to them, but the group sounds odd to me. It's also obscure. Or, as one writer at The Daily Beast put it, "If the Nation of Islam is actual Islam's eccentric nephew, then ... the 5 Percenters ... is that nephew's unhinged offspring." Williams told The Pilot he'd heard the term on local, conservative talk radio station WNIS. He said the crowd last year was "eclectic and different." He added, "It was 5 percent of the perspective of the group." Hansen defended his deputy and claimed there was "no racial intent in any of those conversations." He told me something similar Wednesday.

Sorry, but that strains credulity. Williams just happened to use that rarely used term for a march dealing with minority contracts and economic equality, and where the multiracial crowd had a large number of African Americans? It might not be a "macaca moment" (see: George Allen), though it's pretty darn close. Smith said such language is pejorative. He also wondered what type of comments are uttered "when the

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doors are closed and nobody is there to hear the conversations.” So do a lot of people. We already know minorities get relatively few of the municipal contracts in Virginia Beach. Officials there now have more pressure to prove the numbers – and percentages – are fair.

**Letter: ARP: Ending farmland preservation program inconsistent with Virginia Beach's Comprehensive Plan**

*The Princess Anne Independent News – April 4, 2018*

I felt emboldened to write this after reading the excellent letter written by a colleague of mine, Barbara Duke, which appeared in the Friday, March 30, edition of The Independent News. We worked closely together as planners on the 2016 update of Virginia Beach's Comprehensive Plan, It's Our Future – A Choice City, and other city plans. We also served together on a city manager's working group to address sea level rise and recurrent flooding. I am writing to you in support of preservation of the city's agricultural reserve program, or ARP, because doing so is consistent with the city's long-range land use policies for the “Rural Area” in the Comprehensive Plan and the Virginia Beach Outdoors Plan, which Ms. Duke authored. So are addressing the city's backlog of drainage maintenance needs and the need to plan for adaptation for sea level rise and recurrent flooding. So that everyone can be as informed as possible about this, it is necessary to offer some context for why Virginia Beach's Comprehensive Plan is important for City Council to use as it deliberates the budget proposed by City Manager Dave Hansen.

***The Comprehensive Plan***

The local comprehensive plan is a long-range planning policy document that looks into the future over the next 20 years to ensure that we have sound policies in place for our city's sustainability — fiscally, environmentally and socially. As the city's former comprehensive planning coordinator, I worked with a multi-departmental team across many disciplines to review the city's award-winning 2010 Comprehensive Plan for a recommended update in 2016. The team included representatives from city departments including budget, finance, the city manager's office, the strategic growth areas office, agriculture, economic development, parks & recreation, public works and public utilities, along with others. The plan's policies pertaining to both the ARP and sea level rise/recurrent flooding, along with its planned land use map, are all co-dependent and needed to achieve the city's desired outcomes over the long term.

The Code of Virginia requires that all local governments adopt a comprehensive plan. It is important to understand the state code also obligates the a Capital Improvement Plan, or CIP, be prepared and revised annually “based on the comprehensive plan of the locality for a period not to exceed the ensuing five years.” These two important growth management tools — the comprehensive plan, which is required to be reviewed and updated in five-year intervals, and the CIP, also a five-year plan — were intended by the General Assembly to work together and be mutually supportive. I informed both the city's planning director and the budget director of this as the FY17-22 CIP was being prepared. The critical need for local planning is why the Code of Virginia also enables local governments, should they choose, to have the CIP prepared by the local planning commission and recommended to the local governing body for adoption. Although Virginia Beach does not do this, other progressive localities with rural areas with which Virginia Beach often benchmarks itself do. These include Fairfax County and Albemarle County.

In fact, both of those localities have a very lengthy, very coordinated and very public CIP preparation, review and adoption process. They also ensure that their CIPs are consistent with their adopted comprehensive plans. Representatives from both of these localities provided example language and processes at a training that Ms. Duke and I attended in 2015, hosted by Virginia Tech Extension's Land Use Education Program. That program is a partnership of Virginia Tech's Center for Public Administration and Policy and Virginia Cooperative Extension. The reason for consistency is simple. The comprehensive plan sets forth the direction and timing of future infrastructure improvements and development in the locality. The CIP is one of several tools used to implement the comprehensive plan, along with the operating budget and development ordinances, such as the city's zoning, subdivision and floodplain ordinances. Other plans and programs, such as the city Outdoors Plan and the ARP, are also key tools for implementing the comprehensive plan. This is why I found it necessary to include a new final chapter in the comprehensive plan about how it should be implemented. It all begins with the policies that are adopted in the comprehensive plan. Everything else should flow from there in a logical manner.

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